



Convention on the Elimination
of All Forms of Discrimination
against Women

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Eighteenth session

SUMMARY RECORD OF THE 369th MEETING

Held at Headquarters, New York,
on Monday, 26 January 1998, at 10 a.m.

Chairperson: Ms. KHAN

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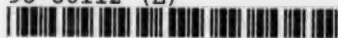
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of the Czech Republic

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The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE
CONVENTION (continued)

Initial report of the Czech Republic (CEDAW/C/CZE/1)

1. At the invitation of the Chairperson, Ms. Hejna and Ms. Jerabkova (Czech Republic) took places at the Committee table.

2. Ms. HEJNA (Czech Republic) said that the delegation would outline the most important changes which had taken place in the field of the protection of women's rights since 1993-1994, the period covered by her country's initial report.

3. Ms. JERABKOVA (Czech Republic) said that, since 1989, the former Czechoslovakia had undergone radical social, political and economic changes, including the restoration of parliamentary democracy and the return to a market economy. The experience of recent years had shown, however, that the formal economic, social and political emancipation of women without adequate compensation in other spheres of their lives did not lead to equality. The national machinery for promoting the equality of women was therefore aimed at creating an environment in which the problems and interests of individuals could be addressed within their respective communities through greater emphasis on individual responsibility.

4. In keeping with its gradual integration into democratic international economic and social structures, the Czech Republic had ratified a number of International Labour Organization conventions on employment and the working conditions of women. The Government viewed the interests, needs and problems of women mainly within the context of the family and certain legislative provisions took into account not only the different physical abilities of women but also their irreplaceable maternal role.

5. The amendment to Law No. 1/1991 on employment marked an important step forward in ending discrimination against women. The amendment provided that a person caring for a child below the age of three or for a seriously handicapped child below the age of eighteen qualified for all social insurance benefits just as if that person were employed. Employment offices were also obliged to pay increased attention to the placement of difficult-to-place unemployed persons, including pregnant women and women caring for children or for family members with serious long-term disabilities. The experience gained from the implementation of the Policy of Active Labour Market Implementation Fund (PALMIF) had shown that the professional training provided to job seekers, including women on maternity leave, housewives and women caring for young children or disabled minors, was an effective employment policy tool. In addition, the increase in the maximum unemployment benefit had attenuated the direct social impact of the higher unemployment rate among women.

6. Proposed amendments to Law No. 1/1992 on wages and to Law No. 143/1992 on salaries would also provide increased protection to all employees in cases of

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actual or suspected discrimination on the ground of sex. The legislative amendments would make it possible to prosecute any violation of the principle of equal pay for equal work or for work of equal value.

7. Law No. 155/1995 on pension insurance had changed a static system of pension insurance into a dynamic one capable of reacting to changing economic conditions. While conditions of participation were the same for men and women, different retirement ages were provided for. With effect from 2006, the retirement age for men would be 62 years and for childless women 61 years. The retirement age for women would be reduced to 57 years, depending on the number of children they had raised. The age at which widowed persons were entitled to receive pensions had also been changed, with widows receiving their pensions at age 55 or upon retirement, if sooner, and widowers receiving theirs at age 58 or upon retirement, if sooner. In the field of health insurance, child benefits, death allowances and maternity grants had been removed from health insurance and transferred to the State social security system. Women enjoyed a wider range of benefits than men, because of childbirth.

8. In 1995, a new Law on State social support had unified State social security payments and benefits for families with children under a single system, with the State assuming responsibility for those benefits which had previously been paid by the health insurance system. The State not only provided subsidized care for handicapped children but also employment for the mothers of such children. Persons of either sex who tended to sick family members were entitled to special allowances. Women were also entitled to special grants for each child, provided that certain conditions were met.

9. With regard to the development of civic society, there were a number of civic associations and foundations in the Czech Republic whose activities focused specifically on women's issues, such as domestic violence against women and women as victims of criminal acts. Other civic associations or non-governmental organizations had a wider platform of women's rights in their programmes.

10. In the field of education, there was a new approach based on respect for the biological and mental differences between the sexes. All pupils from the primary level were taught about human rights, family education, sex education and personal safety as part of their civic education. Boys and girls were also acquainted with the biological and other needs of members of the opposite sex so that they would be more likely to treat them with respect, empathy and sensitivity.

11. With regard to the socio-economic factors that influenced the position of women in society, it was noteworthy that nearly half of all university-educated women were employed in education. Women represented 100 per cent of kindergarten teachers and 84 per cent of primary school teachers. Moreover, while only about 35 per cent of university teachers were female, women were replacing men at an accelerating rate. It was fair to state, however, that as the level of education increased, the percentage of women represented in the teaching profession declined. Female teachers at all levels usually had little motivation for giving above-standard performances, because of a number of

objective factors, including the persistence of prejudice concerning women's intelligence or their suitability for certain positions.

12. There had been no illiteracy in the Czech Republic for a long time, since compulsory primary schooling had been introduced for both sexes as early as the second half of the eighteenth century. During the 1996/1997 school year, 97 per cent of the population aged 6-14 years had attended primary school. Girls accounted for 52 per cent of the total number of pupils in secondary schools, 97 per cent in nursing schools and 94 per cent in teacher training schools. Only 16.5 per cent of the female population, however, attended university, where they specialized mainly in medicine and the social sciences. Only 24 per cent of women studied technical subjects.

13. Pre-school education in kindergartens had a long tradition in the Czech Republic and currently offered educational programmes that were based on various philosophical movements. During the 1995/96 academic year, almost 91 per cent of all pre-school children had been enrolled in kindergartens. School facilities constituted a support system which provided social services for families, including school meals, after-school facilities for recreational activities and educational counselling services. Legislation had also been enacted in 1991 to provide care in school facilities for pregnant minors.

14. In the field of health care, Law No. 261/97 specified those jobs and workplaces from which all women and young persons were prohibited. Draft legislation was also being prepared to protect the health of workers and to limit negative factors in the working environment.

15. With regard to HIV/AIDS programmes, all pregnant women were encouraged to be tested for HIV/AIDS and, as at 31 December 1996, a total of 969,554 pregnant women had been examined, of whom 17 had been found to have AIDS. A separate part of the national AIDS programme focused on the prevention of the disease among prostitutes.

16. In 1997, six women's health projects had been established, to provide communication training for nurses, decrease the risk of premature births through exercise, inform future mothers of the harmful effects of smoking, help pregnant women and mothers with young children in difficult family situations, encourage habits to prevent cancer, and provide information on family planning.

17. Increased attention had been paid to the protection of women in connection with prostitution and illegal migration. Procuring, but not prostitution, was a criminal offence. While street prostitution had declined considerably, organized prostitution, offering "highly lucrative" jobs abroad, continued to finance the activities of international criminal gangs. In that connection, her Government had set up a special unit for the detection of organized crime. The unit cooperated at the national level with government bodies and non-governmental organizations dealing with violence against women. At the international level, it cooperated with Austria, Belgium, the Netherlands, the United Kingdom and Slovakia.

18. The Czech legal system was based on the principle of the uniform and equal protection of men and women's rights. With effect from 1 January 1998,

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financial assistance was provided to crime victims. Discussions were being held at both the governmental and non-governmental levels on providing more effective legal aid for men and women, especially representation by a lawyer in all criminal proceedings.

19. Ms. ACAR commended the Government of the Czech Republic on its achievements in education, its comprehensive health coverage and the de jure equality of men and women. However, she was concerned by the Government's emphasis on women as mothers and caregivers. While special measures to protect women as mothers were commendable, they could lead to other objectives being ignored. Support for women as mothers should be balanced by encouragement of their participation in all spheres.

20. Ms. FERRER said that she was also concerned by the report's emphasis on the role of women as mothers and caregivers. She wished to know what was meant by the reference in paragraph 62 of the report to the "social (...) roles of both sexes". She asked what the "physical abilities of women", referred to in paragraph 82, were, and if they were defined in any law. She also asked which jobs were prohibited to women, and requested further information on men's role in society and on the amendment to the Family Law. Lastly, she asked if governmental machinery had been set up to implement the Beijing Platform for Action.

21. Ms. Yung-Chung KIM said that she would have liked to have seen more detailed information on and an analysis of the socio-economic situation of the country. She wished to know how women had been affected by the dramatic changes that had taken place in the Czech Republic and she was particularly interested in the status and role of women in Czech society. She also wished to know if national machinery had been established for the implementation of the Beijing Platform for Action. Lastly, she requested information on women's organizations and their involvement in the implementation of the Platform and the drafting of the report.

22. Ms. ABAKA commended the Government of the Czech Republic for withdrawing its reservations to article 29 and hoped that it would also adopt the forthcoming optional protocol. She expressed her concern at the high rate of divorce. She then asked if minority ethnic groups and non-governmental organizations had been involved in drafting the report or if they had been given information concerning it. She also wished to know if the Government had been represented at the Beijing Conference and why the report included no information on the Platform for Action or on any national machinery that might be in place for its implementation.

23. Ms. CORTI said that she wished to commend the Government on the peaceful establishment of democracy. As a victim of human rights violations, the first Czech President had become a champion of human rights throughout Europe and the world, a status reflected in the Constitution, political parties and non-governmental organizations of the Czech Republic.

24. She asked for clarification of the apparent lack of any clear legal definition of discrimination. She wished to know what the Czech Republic was doing to address the problem of gender stereotypes. She requested additional

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information on how the radical change in the country had affected the situation of women. She also wished to know what was being done to encourage women's participation in political life and decision-making processes.

25. Ms. SHALEV said that the report implied that the position of women in Czech society was largely a matter of individual choice, but it seemed to her that there were structural patterns in the Czech Republic which determined women's status, namely the under-representation of women in politics, the gap between men and women in terms of economic status, and the lack of specific legislation to eliminate violence against women. Coupled with the fact that there was no government agency for the advancement of women, the structural deficiencies she had alluded to indicated a failure on the part of the Government to assume responsibility for the status of women in society.

Article 2

26. Ms. FERRER asked for additional information about the manner in which women's rights were protected in the courts. More details should be provided about women's use of the courts and how their complaints were dealt with. Specifically, statistics on cases involving sex discrimination should be supplied.

27. Ms. CORTI said that she would appreciate more information about family law in the Czech Republic, and specifically whether it had been reformed since the transition to democracy. Paragraph 52 of the report noted that citizens were entitled to compensation for damage caused by an unlawful decision of a court or through wrong official procedure. Details should be provided about such cases. It was unclear whether international human rights instruments such as the Convention were superior to national law. The reporting State should also clarify whether the Convention had ever been invoked in the Czech courts, and if so, for what reason. The Committee would welcome any indication that the Czech Government had availed itself of United Nations assistance in drafting legislation with a gender perspective. Finally, it appeared that no amendments had been made to Czech law in the light of the Beijing Conference; in that regard, the reporting State should indicate whether there were plans to address the issue of violence against women.

28. Ms. RYEL noted that the Czech legal system was based on the principle of equal rights and opportunities for both sexes. Laws were essential to protect rights and ensure *de jure* equality, but attitudes and stereotypes needed to be challenged to ensure *de facto* equality. In order to bring about *de facto* equality, national machinery for the advancement of women was essential. The reporting State should share its plans for such machinery with the Committee.

Article 3

29. Ms. OUEDRAOGO said that the key question facing the Czech authorities was how to ensure that women's rights were taken into account by all ministries in the absence of national machinery for the advancement of women. The Government should also address the issue of how to integrate non-governmental organizations into such a process. It was not enough to talk about plans and programmes; the

Committee needed to see evidence of cross-cutting strategies and quantifiable goals.

30. Ms. CORTI said that she was concerned that many of the issues which would normally be dealt with by national machinery had been given a criminal slant by placing them under the jurisdiction of the National Committee for Crime Prevention, as mentioned in paragraph 75 of the report.

31. Ms. JAVATE DE DIOS said she regretted the fact that Czech law contained no specific definition of sex discrimination. By the same token, full empowerment of women would remain impossible without national mechanisms for their advancement. Future reports needed to focus around properly funded machinery with a clear structure and specific mandate. The establishment of national machinery was important evidence of a Government's political will.

32. The Committee appreciated that, under the Communist regime, women had often been forced to participate in economic and political life against their will in order to fulfil fixed quotas. Nevertheless, it was a matter of some concern that the pendulum seemed to have swung too far in the opposite direction, with women retreating into family life to an excessive degree. The fact that the Government sanctioned such an outlook was also unfortunate. Conditions needed to be created that would enable non-governmental organizations and civil society to encourage the all-round development of women. In the same connection, she was concerned that care of children and the disabled was provided exclusively by women in the Czech Republic.

33. The Committee would be grateful for more sex-disaggregated data regarding the impact of economic changes on women. The Government should take steps to ensure that women did not bear the brunt of its economic reforms.

Article 4

34. Ms. ABAKA said that she was concerned by the statement in paragraph 82 that Czech legislation contained no provisions guaranteeing preferential treatment for men and denying rights to women, although certain provisions did take account of the physical abilities of women and the requirements of their irreplaceable maternal role. Such wording constituted indirect or hidden discrimination on the basis of "physical abilities" or "biology".

Article 5

35. Ms. Yung-Chung KIM noted that, despite the increasingly frequent use of contraceptives, the Czech Republic had the highest rate of induced abortion in Europe. She asked whether the programmes mentioned in paragraphs 89 and 90 of the report were offered through formal or informal channels, how they were carried out, who taught them and how effective they had been.

36. She wondered what additional measures the Government planned to adopt in order to combat the stereotypical roles of women and what the media were doing to enhance the image of women and counter prejudice against them.

37. Ms. RYEL said that she shared the concern at the emphasis on women as mothers in Czech society.

38. The report included little information on domestic violence. She wondered what statistics on that problem were available, whether the Government planned to adopt measures to address it and whether shelters, crisis centres and free legal assistance were available to the victims. Since any effort to reduce domestic violence must also focus on men, she asked whether training courses or other programmes were available for offenders.

39. The report stated that the retirement age for women was lower than that for men and varied according to how many children a woman had had. She asked whether women had a right to retire at the same age as men if they chose to do so; if not, the measure would appear discriminatory, particularly as women typically lived longer than men.

40. The delegation has stated that the role of men and women in the family and society must be based on respect for the biological and mental differences between the sexes. She asked what was meant by "mental differences", since the expression would appear to suggest attitudes resulting from gender stereotyping which should be combated.

41. Ms. GONZALEZ said that she, too, was concerned at the stereotyping of women as mothers. Paragraph 82 of the report, which mentioned the physical abilities of women and their irreplaceable maternal role, did not seem to take into account the fact that some women were unable to become mothers or did not wish to do so.

42. Paragraph 84 of the report stated that Czech legislation did not contain any specific provisions aimed exclusively at the elimination of violence against women. She wondered whether that meant that such violence was not a problem or that it was not identified as such. Information provided elsewhere in the report, under article 6 of the Convention, suggested that such violence did, in fact, exist, but was not dealt with. Not only men, but also women, could commit domestic violence. She asked for information on the victims, who might include older persons and children as well as adults. She also asked what the Government was doing to combat that problem.

Article 6

43. Ms. BUSTELO GARCIA DEL REAL said that while the report provided more information on article 6 than the reports of many states parties, it would be useful for the Committee to have copies of the Czech legislation on prostitution and trafficking in women and to know how effective that legislation had been and whether it discriminated against any of the rights guaranteed under other provisions of the Convention. She wondered how many traffickers and panderers, either male or female, had been arrested, tried and convicted, and what sentences those convicted had received. She asked whether illegal immigrant women found to be involved in prostitution networks were expelled from the country and whether they had the same rights as Czech women under domestic law. She requested information on government measures to protect women from violence and, in that regard, referred the delegation to general recommendation No. 19

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(HRI/GEN/1/Rev.3). She also asked whether the Government was keeping records on Czech women who emigrated to ensure they were not victimized by organized crime.

44. Ms. JAVATE DE DIOS asked whether there had been any studies on the relationship between the opening-up of economies and increased prostitution among women, who frequently lost both their jobs and many of their rights during such a transition. She noted that the rise in prostitution had coincided with the beginning of that process in the Czech Republic and wondered what the Government was doing to address the problem.

45. She asked whether the government authorities mentioned in paragraph 103 of the report had a mandate to arrest and penalize traffickers, how large a budget was allocated to them and what bilateral and multilateral arrangements existed in that regard, particularly with regard to trafficking within Europe.

46. Paragraph 97 of the report stated that in 1994, 192 of the 203 cases of pandering in the Czech Republic had been "solved". She asked if that meant that the syndicates involved had been broken up, or simply that the individual offenders had been convicted. Trafficking in women and children was often associated with violence, and it was important for the Government to determine whether the human rights of the victims, including women who had migrated from other parts of the country, were being respected. The report said nothing of government-sponsored prevention and information campaigns, and there seemed to be a need for programmes to inform potential victims, particularly poor women, of the threat of organized prostitution.

47. With regard to pornography, although paragraph 99 of the report mentioned the prosecution of individuals responsible for the dissemination of pornographic works which depicted sexual intercourse with a child, most pornography involved adult women. She wondered whether the dissemination of that type of material was also illegal and how it was regulated.

48. The CHAIRPERSON said that she, like other members of the Committee, was concerned at the prevalence of prostitution and violence against women and by the fact that, although there was legislation prohibiting gender discrimination, there were no specific provisions for eliminating violence against women, which was a major obstacle to their advancement. Both the delegation's introductory statement and the report mentioned trafficking in women and, in particular, immigrant women from other European countries, as the major cause of violence against women. However, poverty, unemployment and single motherhood also contributed to the exploitation of women, even in countries where illegal trafficking was not a major problem. She asked what percentage of women in the Czech Republic were living below the poverty line.

49. Paragraph 85 of the report stated that the Czech Criminal Code defined the crime of murder of a newly born infant by its mother, taking into account that the perpetrator was a woman. She asked why the Code included a specific provision on infanticide by mothers and requested further information on the matter.

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Article 7

50. Ms. FERRER said that according to the report, there had been a sharp drop in the number of women in decision-making and political posts. She asked how the Government planned to address that problem, which appeared to reflect a return to patriarchal stereotypes in political, economic and social life.

51. Ms. CORTI said that the delegation had made no mention of article 7 but that paragraph 110 of the report stated that, at the time of its preparation, women had not been represented in the current Government, and that there had been no authority representing them at the executive level. She wondered whether there had been any change in that situation. Paragraph 114 of the report stated that Czech women did not form a homogeneous group in terms of their attitudes and aspirations to assume leadership roles; she requested additional information. It was clear from the report that international law was reflected in domestic legislation and that the Czech Republic was an active member of the Council of Europe, which was strongly committed to parity in terms of representation of women in decision-making bodies as an essential prerequisite for their advancement. She wondered why the Government and women's non-governmental organizations (NGOs) were not working to address that problem.

52. With regard to NGOs, paragraph 111 of the report stated that between 1990 and 1993, over 50 women's NGOs had been established in the Czech Republic but that a number of them had subsequently ceased to exist or had few members. She asked what had led to that situation, why the remaining NGOs were relatively inactive at the European level and what the three umbrella associations mentioned in the report were doing to increase the number of women in decision-making posts.

53. The CHAIRPERSON said that paragraph 110 of the report stated that the representation of women in Parliament had dropped from 30 per cent to 10 per cent since 1989 and that there was no authority representing women at the executive level of Government. Further, according to paragraph 114, most women rejected the re-establishment of fixed quotas for their participation in political life. She asked what the basis for that statement was since women had been well-represented in government posts under the former political system, which had presumably established quotas for their participation. She noted that the achievement of de facto equality of women, guaranteed under the Constitution, would require further effort and wondered what the Government was doing in that regard.

Article 10

54. Ms. Yung-Chung KIM said that paragraph 139 of the report stated that six household economy schools for girls had been established on an experimental basis in 1990 and had been very successful. Since most Governments were integrating their curriculums to ensure gender equality, she wondered why the Czech Republic had set up segregated establishments to educate girls in such a traditional subject and whether the underlying basis for the programme was not the stereotypical division between men's and women's work. It was clear from the report that fields such as health care, teaching and library science were already dominated by women, while men predominated in the technical fields.

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Schools of the type mentioned would not help to redress that imbalance. She asked whether the Government encouraged girls to enter scientific and technological schools by providing scholarships and intensive career counselling.

The meeting rose at 3 p.m.